

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 6:13-cr-00134-AA

Plaintiff,

OPINION AND ORDER

v.

ARMANDO ARANDA,

Defendant.

AIKEN, Judge:

Defendant seeks a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 of the United States Sentencing Guidelines (USSG). The motion is denied.

Defendant was convicted of possessing a firearm in furtherance of a drug trafficking crime, illegal alien in possession of a firearm, and conspiracy to distribute methamphetamine. Defendant's total offense level was 29, with a sentencing range of 87-108 months. Further, one of defendant's firearms offenses required a consecutive, mandatory minimum sentence of 60 months. *See* 18 U.S.C. § 924(c). Ultimately, the court granted a downward variance and sentenced defendant to a total of 61

months. *See* doc. 97. As a result, defendant essentially received a one-month sentence for his controlled substance offense.


Significantly, “the court shall not reduce the defendant’s term of imprisonment under 18 U.S.C. § 3582(c)(2) and this policy statement to a term that is less than the minimum of the amended guideline range determined under subdivision (1) of this subsection.” USSG § 1B1.10(b)(2)(A); *see also id.* n. 3. Further, a reduction in sentence is permitted only when “consistent with the applicable policy statements issued by the Sentencing Commission.” 18 U.S.C. § 3582(c)(2); *see also Dillon v. United States*, 560 U.S. 817, 821 (2010) (“Any reduction must be consistent with applicable policy statements issued by the Sentencing Commission.”).

Defendant received a sentence less than the minimum of his amended guideline range, and defendant’s request for a further reduction is inconsistent with § 1B1.10(b)(2). *See United States v. Aguilar*, 633 Fed. App’x 471, 472 (9th Cir. 2016) (“Contrary to Aguilar’s contention, his ‘applicable guideline range’ is determined without consideration of any departure or variance applied at his original sentencing.”); *United States v. Parker*, 617 Fed. App’x 806, 807 (9th Cir. 2015); *United States v. Munguia-Diaz*, 606 Fed. App’x 385, 386 (9th Cir. 2015).

Accordingly, defendant’s Motion to Reduce Sentence (doc. 100) is DENIED.

IT IS SO ORDERED.

Dated this 19 day of September, 2016.


 Ann Aiken
 United States District Judge